

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PIMENIO VELA HERRERA,	)	8:12CV321
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
TAMMY MOWRY, in their	)	
individual capacity, MONTE	)	
HOVIK, in their individual capacity,	)	
JEROD HAHN, Deputy, in their	)	
individual capacity, J.D. SUTPHEN,	)	
and JEREMY BRUNGARD, in their	)	
individual capacity,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. Rule 60 of the Federal Rules of Civil Procedure states, in relevant part:

The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

[Fed. R. Civ. P. 60\(a\).](#)

Here, the court granted a summary judgment motion filed by Defendants Tammy Mowry, Monte Hovic, Jerod Hahn, and J.D. Sutphen. (Filing No. [57](#).) In addition, the court entered a judgment dismissing this action with prejudice. (Filing No. [58](#).) The court entered the judgment in error, as Defendant Jeremy Brungard was not a party to the summary judgment motion. Accordingly, in the interest of justice,

IT IS THEREFORE ORDERED that on the court's own motion filed pursuant to Rule 60(a):

1. The clerk's office is directed to strike the judgment (Filing No. [58](#)) from the record.
2. The clerk's office is directed to reopen this matter.
3. The clerk's office is directed to set the following case management deadline: September 22, 2014: Check case status.

DATED this 22nd day of August, 2014.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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